

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**MARSHALL DIVISION**

**DATE:** October 13, 2009

**JUDGE**  
**LEONARD DAVIS**

**COURT REPORTER**  
Kim Julian

**Law Clerks:** Natalie Alfaro

<b>JuxtaComm Tech, Inc.</b> <b>Plaintiff</b>  <b>vs.</b>  <b>Ascential Software Corp., et al</b> <b>Defendant</b>	<b>CIVIL ACTION NO: 2:07-CV-359</b>
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<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYs FOR DEFENDANTS</b>
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SEE ATTACHED LIST

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 11:10 am

**ADJOURN:** 11:25 am

<b>TIME:</b>	<b>MINUTES:</b>
11:10 am	Case called. Parties announced ready.  Court addressed parties regarding the Court's November Docket in Marshall. Court inquired how many parties are left in this case. Mr. Macon responded and indicated that Microsoft, IBM & Ascential are the remaining defendants.
	Court addressed the parties regarding mediation and inquired on the parties' desire to go back to mediation. Mr. Healey responded. Mr. Zager responded and indicated parties have been to two mediations and there is no purpose in mediating a third time. Mr. Demarais responded and it would be helpful. Mr. Healy further responded.
	Court addressed the parties regarding a change in mediators, and this in no way reflects on Jim Knowles, but Court suggested Judge Faulkner. Mr. Demarias suggested Layne Phillips. Mr. Healy responded and suggested early next week for mediation and for Microsoft and Plaintiff to mediate on the 19 <sup>th</sup> or 20 <sup>th</sup> and IBM have their own mediation.
	Court will appoint Judge Faulkner and will allow him to schedule the sessions he deems appropriate and asked the parties to ask Judge Faulkner to keep the Court up to date.

**DAVID J. MALAND, CLERK**

**FILED: 10.13.2009**

BY: Rosa L. Ferguson, Courtroom Deputy

TIME:	MINUTES:
	Court addressed the parties regarding trying the case in Tyler. Court advised parties that we would be in the basement in Judge Everingham's courtroom. Court inquired if the parties had objections to trying the case in Tyler. Parties responded. Mr. Macon will get with client and advise the Court before 5:00 pm on whether his client agrees to try case in Tyler.
11:25 am	There being nothing further, Court adjourned.